

Chairperson John R. Clark  
Vice-Chairperson Michael Parks  
Parliamentarian Don Maxwell



Commissioners  
Michael Beckendorf  
John Bond  
Helen Chavarria  
Ralph Davila  
Robert Horton  
G.H. Jones

## MINUTES

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, APRIL 2, 2009  
AT 6:00 P.M.  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer:     *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

### **1. CALL TO ORDER.**

Chairperson Clark called the regular meeting to order at 6:05 p.m.

<b>Commissioners</b>	<b>Present</b>	<b>2009 Regular Meetings Held</b>	<b>2009 Regular Meetings Attended</b>	<b>Regular Meetings Held During Last 6 Months</b>	<b>Regular Meetings Attended During Last 6 Months</b>
Michael Beckendorf	Yes	5	5	10	10
Johnny Bond	Yes	5	5	10	10
Helen Chavarria	Yes	5	5	10	10
John R. Clark	Yes	5	5	10	10
Ralph Davila	Yes	5	5	10	10
Robert Horton	Yes	5	3	10	8
G. H. Jones	Yes	5	5	10	7
Don Maxwell	Yes	5	5	10	10
Michael Parks	No	5	3	10	8

Staff members present: Mr. Martin Zimmermann, Planning Administrator; Ms. Julie Fulgham, Project Planner; Mr. Danny Sikorski, Chief Building Official; Mr. Paul Kaspar, City Engineer; Mr. Lee Veness, Assistant City Attorney; and Ms. Kelli Hill, Planning Intern.

### **2. HEAR CITIZENS.**

No one came forward.

### **3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.**

No affidavits were filed.

### **4. CONSENT AGENDA.**

- **Approval of meeting minutes from the workshop and regular meetings on March 5, 2009.**

- **Final Plat FP09-01: Big Gas Truck Stop Subdivision** **M. Zimmermann**  
*Proposed Final Plat of Big Gas Truck Stop Subdivision, being 5.49 acres of land out of W.S. Martin Survey, A-35 located at the south corner of North Earl Rudder Freeway (State Highway 6) and North Harvey Mitchell Parkway (F.M. 2818) in Bryan, Brazos County, Texas.*

**Commissioner Jones moved to approve the Consent Agenda. Commissioner Bond seconded the motion.**

Chairperson Clark asked if there was any discussion. There was none.

**The motion passed with a unanimous vote.**

- 5. **Rezoning RZ09-05: Bryan Towne Center Partners, L.P.** **M. Zimmermann**  
*A request to amend the development plan of a previously-approved Planned Development District, to allow additional wall signage on the rear (west side) of buildings on property at 3100 Wildflower Drive at the south corner of Wildflower Drive and Towne Centre Way, being Lot 3 in Block 4 of Bryan Towne Center Subdivision in Bryan, Brazos County, Texas.*

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Staff recommends approval of the request based on the following findings:

- No changes to the range of allowed uses in this PD zoning district are proposed with this development plan amendment,
- The proposed development plan amendment will not affect existing or proposed public utilities in this vicinity,
- This request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development,
- Staff contends that retail developments are developing at a moderate pace in this vicinity and elsewhere in the City,
- Staff is not able to quantify how areas designated for similar development will be affected by the proposed development plan amendment to allow additional wall signage on this one lot,
- Staff was not able to identify any other factors affecting health, safety, morals, or general welfare,
- The proposed wall signage, if able to be seen better by motorists on the freeway and Towne Center Way, could attract potential customers to the site,
- Staff is unable to identify any potentially adverse effects or impacts on other existing or permitted uses on abutting sites that cannot be mitigated by the provisions of the Zoning Ordinance or the existing PD District,
- While additional signage may raise motorists' awareness of businesses on the subject property, staff believes that any increase in traffic caused by this increased awareness can reasonably be expected to be accommodated by existing streets adjoining the subject property,

- The proposed development plan amendment will not adversely affect traffic control or adjacent properties,
- The proposed development plan amendment will not affect erosion or cause similar hazards or impacts, and
- The proposed development plan amendment will neither adversely affect health, safety, morals, or general welfare nor be materially injurious to properties or improvements in the vicinity.

Responding to a question from Commissioner Beckendorf, Mr. Zimmermann stated that another property owner within the same Planned Development District could potentially ask for the same request in the future.

Responding to a question from Commissioner Davila, Mr. Zimmermann stated that the signs on the back of the building would fall under the same standards as the signs on the front of the building.

The public hearing was opened.

Mr. Michael Gentry, representing the applicant, came forward to speak in favor of the request. He stated that the request originates from the building tenants wanting to make their businesses more prominent from the freeway.

The public hearing was closed.

**Commissioner Maxwell moved to recommend approval of Rezoning RZ09-05 to the Bryan City Council and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Jones seconded the motion.**

Commissioner Maxwell stated that it appeared to be an easy decision.

Commissioner Beckendorf expressed that he would like to hear what the Chief Building Official has to say about the request.

Mr. Sikorski stated that the Board of Sign Control and Appeals, in wanting to be consistent with the ordinance and its past decisions, denied a variance request to allow these signs because it did not meet the four criteria for approval. He stated that it appeared the Board did not have any problems with allowing the signs by changing the ordinance, but felt that they could not grant the variance because it did not meet the criteria required for granting a variance.

Commissioner Davila stated that he agreed that it was an easy decision.

Chairperson Clark commented that the system of approval worked well in this case.

**The motion passed with a unanimous vote.**

#### **6. Rezoning RZ09-06: Old Reliance Road, LLC**

**M. Zimmermann**

*A request to change the zoning classification from Agricultural-Open District (A-O) to a combination of Multiple-Family District (MF) and Retail District (C-2) on approximately 24.95 acres of vacant land out of Stephen F. Austin League, No. 10, Abstract No. 63, adjoining the north side of Old*

*Reliance Road and extending 700 feet to 1,500 feet northeast from its intersection with North Earl Rudder Freeway (State Highway 6) in Bryan, Brazos County, Texas.*

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Staff recommends approval of the request based on the following findings:

- Staff believes that the proposed combination of MF and C-2 zoning on these 25 acres is appropriate at this particular location and is in accordance with land use recommendations of the Comprehensive Plan, and that the proposed arrangement of land uses at this location will promote orderly urban growth in this now largely undeveloped area,
- With the improvements of Old Reliance Road (listed in the staff report), which are expected to be completed by the end of 2009, Old Reliance Road will be capable of accommodating traffic loads typically associated with multiple-family and retail developments, including any such future developments on the subject property,
- This zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development,
- Multiple-family residential and retail developments are developing at a fast pace in this vicinity and elsewhere in the City,
- Staff believes there to be few, if any, effects on other areas designated for similar developments of the proposed zone change was approved, and
- The requested rezoning to a combination of MF and C-2 districts, in this particular case, should have no adverse effects on adjacent properties, and multiple-family residences and retail establishments at this location will create an orderly zoning pattern and allow for a useful and orderly urban development in this vicinity.

Responding to a question from Commissioner Maxwell, Mr. Zimmermann stated that the notch in the property is an oil well site.

Responding to a question from Commissioner Beckendorf, Mr. Zimmermann stated that the notched area is not under the control of the applicant, and that it will remain classified as an Agricultural-Open District for the time being.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Chavarria moved to recommend approval of Rezoning RZ09-06 to the Bryan City Council and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Beckendorf seconded the motion.**

Commissioner Chavarria stated that there was no reason to not approve the request.

Commissioner Beckendorf agreed.

**The motion passed with a unanimous vote.**

- 7. Proposed Text Amendment to Bryan Code of Ordinances Chapter 130** **J. Fulgham**  
*A proposal to amend the text of Bryan Code of Ordinances Sections 130-3, 130-24 and 130-33 adding certain definitions and procedures concerning historic preservation; and other action as appropriate.*

Chairperson Clark stated that he would read Items 7, 8, and 9 together and that he would like one staff report. He also stated that there would be one public hearing for all three items.

Ms. Fulgham stated that the Historic Landmark Commission worked throughout 2008 to refine these changes, and that both staff and the Historic Landmark Commission recommends approval of the changes.

Commissioner Bond stated that staff gave a good report and a good presentation.

The public hearing for items 7, 8, and 9 on the agenda was opened.

No one came forward.

The public hearing was closed.

**Commissioner Bond moved to recommend approval of to the Bryan City Council. Commissioner Chavarria seconded the motion.**

Chairperson Clark stated that it is proper housekeeping, and that these changes tie everything together.

**The motion passed with a unanimous vote.**

- 8. Proposed Text Amendment to Bryan Code of Ordinances Chapter 2** **J. Fulgham**  
*A proposal to amend the text of Bryan Code of Ordinances Chapter 2, Article III, creating Division 15 (Historic Landmark Commission); and other action as appropriate.*

**Commissioner Beckendorf moved to recommend approval of to the Bryan City Council. Commissioner Jones seconded the motion.**

Chairperson Clark asked if there was any discussion. There was none.

**The motion passed with a unanimous vote.**

- 9. Proposed Text Amendment to Bryan Code of Ordinances Chapter 54** **J. Fulgham**  
*A proposal to repeal Bryan Code of Ordinances Chapter 54 in its entirety; and other action as appropriate.*

**Commissioner Beckendorf moved to recommend approval of to the Bryan City Council. Commissioner Jones seconded the motion.**

Chairperson Clark asked if there was any discussion. There was none.

**The motion passed with a unanimous vote.**

**10. ADJOURN.**

Without objection, Chairperson Clark adjourned the meeting at 6:35 p.m.

These minutes were reviewed and approved by the City of Bryan Planning & Zoning Commission on the **16<sup>th</sup>** day of **April, 2009**.

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John R. Clark, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Martin Zimmermann, Planning Administrator  
and Secretary to the Planning and Zoning  
Commission